

AO 120 (Rev. 3/04)

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Louisiana on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 3:10cv89	DATE FILED 1/21/2010	U.S. DISTRICT COURT Western District of Louisiana
PLAINTIFF Pandora Jewelry LLC		DEFENDANT Nevview Inc
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,007,507	
2		See copy of Complaint
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK TONY R. MOORE, CLERK	(BY) DEPUTY CLERK Mavice Thigpen	DATE 1/26/2010
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

royalties as a direct result of the unfair competition and is entitled to damages adequate to compensate it for the unfair competition, and to have such damages trebled, under 15 U.S.C. § 1117(a) and (b), or, alternatively, statutory damages up to \$2,000,000 per type of goods or services sold, offered for sale, or distributed, as the Court considers just, under 15 U.S.C. § 1117(c). Pandora is also entitled to recover costs under 15 U.S.C. § 1117(a) and prejudgment interest under 15 U.S.C. § 1117(b). This is an exceptional case, and Pandora should further be awarded its attorneys' fees under 15 U.S.C. § 1117(a). In addition, this is a case involving counterfeiting and Pandora is entitled to recover attorneys' fees under 15 U.S.C. § 1117(b).

42. As a result of Defendant's unfair competition with Pandora, Pandora has suffered and continues to suffer irreparable harm due to the confusion, mistake, and/or deception that will be generated among the trade and the public and the resulting impairment of the value of its intellectual property rights, continuing loss of sales to its existing and potential customers, continuing loss of the goodwill of its customers, and violation of its intellectual property rights, all of which will continue unless Defendant is preliminarily and permanently enjoined by this Court from its wrongful actions under 15 U.S.C. § 1116. Pandora has no adequate remedy at law.

#### **COUNT IV**

##### **[Unfair Trade Practices Pursuant to LSA-R.S. 51:1401 *et seq.* Seeking Injunctive and Monetary Relief]**

43. Pandora realleges paragraphs 1 through 42 of this Complaint as if fully restated herein.

44. This is an action for an injunction arising under LSA-R.S. 51:1405 and 1407, and for damages arising under LSA-R.S. 51:1405 and 1409.

45. Defendant, by virtue of its above-described actions, is engaged in unfair and deceptive acts and practices and unfair methods of competition in the conduct of its business in violation of LSA-R.S. 51:1405.

46. Pandora has demanded that Defendant cease and desist from its wrongful actions. Despite Pandora's demands, Defendant has intentionally, actively, and deliberately refused to comply, has not ceased and desisted from its wrongful actions, and has intentionally and deliberately persisted in its unfair and deceptive acts and practices and unfair methods of competition with Pandora.

47. Defendant's unfair and deceptive acts and practices and unfair methods of competition with Pandora has caused great damage to Pandora. The amount of these damages is not yet known, but Pandora has lost profits and royalties as a direct result of the unfair and deceptive acts and practices and unfair methods of competition and is entitled to damages adequate to compensate it for the unfair and deceptive acts and practices and unfair methods of competition, and to have such damages trebled, under LSA-R.S. 51:1409. Pandora is also entitled to recover attorneys' fees and costs under LSA-R.S. 51:1409.

48. As a result of Defendant's unfair and deceptive acts and practices and unfair methods of competition with Pandora, Pandora has suffered and continues to suffer irreparable harm due to the confusion, mistake, and/or deception that will be generated among the trade and the public and the resulting impairment of the value of its intellectual property rights, continuing loss of sales to its existing and potential customers, continuing loss of the goodwill of its customers, and violation of its intellectual property rights, all of which will continue unless Defendant is preliminarily and permanently enjoined by this Court from its wrongful actions under LSA-R.S. 51:1409. Pandora has no adequate remedy at law.

**COUNT IV**

**[Dilution Pursuant to LSA-R.S. 51:223.1  
Seeking Injunctive Relief]**

49. Pandora realleges paragraphs 1 through 48 of this Complaint as if fully restated herein.

50. This is an action for an injunction arising under LSA-R.S. 51:223.1.

51. Pandora's goods marketed, distributed, and sold under the PANDORA mark are and have come to be known to be of a high and consistent quality.

52. Defendant's counterfeit goods are not of the quality of Pandora's goods, and are being either given away or sold at prices that are significantly lower than those for genuine PANDORA products.

53. Defendant, by the sale of its low quality, low cost, counterfeit goods, is likely to injure Pandora's business reputation and dilute the distinctive quality of the PANDORA mark.

54. Pandora has demanded that Defendant cease and desist from its wrongful actions. Despite Pandora's demands, Defendant has intentionally, actively, and deliberately refused to comply, has not ceased and desisted from its wrongful actions, and has intentionally and deliberately persisted in its wrongful use of the PANDORA mark.

55. As a result of Defendant's wrongful actions, Pandora has suffered and continues to suffer irreparable harm due to the injury to its business reputation and dilution of the distinctive quality of its PANDORA mark that will occur and the resulting impairment of the value of its intellectual property rights, continuing loss of sales to its existing and potential customers, continuing loss of the goodwill of its customers, and violation of its intellectual property rights, all of which will continue unless Defendant is preliminarily and permanently

enjoined by this Court from its wrongful actions under LSA-R.S. 51:223.1. Pandora has no adequate remedy at law.

WHEREFORE, Pandora demands:

- (a) Entry of judgment that Defendant infringes United States Patent No. 7,007,507;
- (b) Entry of judgment that Defendant infringes United States Trademark Nos. 3,065,374 and 3,613,181 and rights in the PANDORA mark;
- (c) Entry of judgment that Defendant is unfairly competing with Pandora in violation of 15 U.S.C. § 1125(a);
- (d) Entry of judgment that Defendant is engaging in unfair and deceptive acts and practices and unfair methods of competition with Pandora in violation of LSA-R.S. 51:1405;
- (e) Entry of judgment that Defendant is injuring Pandora's business reputation and diluting the distinctive quality of Pandora's PANDORA mark in violation of LSA-R.S. 51:223.1;
- (f) Preliminary and permanent injunctions against Defendant and its parents, subsidiaries, affiliates, divisions, dealers, officers, agents, servants, employees, attorneys, successors, and assigns, and all other persons in active concert or participation with them, from:
  - (1) making, importing, using, offering to sell, and selling the invention of United States Patent No. 7,007,507; practicing the patented invention; and securing or supplying items used to infringe the patent;
  - (2) contributing to the infringement of United States Patent No. 7,007,507;
  - (3) inducing infringement of United States Patent No. 7,007,507;
  - (4) infringing United States Trademark Nos. 3,065,374 and 3,613,181 and the PANDORA mark;
  - (5) unfairly competing with Pandora by falsely designating Defendant's goods

as originating with Pandora or with a concern legitimately affiliated, connected, or associated with Pandora;

(6) engaging in the above-described unfair and deceptive acts and practices and unfair methods of competition with Pandora;

(7) injuring Pandora's business reputation and diluting the distinctive quality of Pandora's PANDORA mark by using the PANDORA mark;

(g) An order directing Defendant to file with the Court and serve upon Pandora a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the injunction entered by the Court within thirty (30) days after the entry of the injunction in compliance with 15 U.S.C. § 1116(a);

(h) A finding that Defendant's patent and trademark infringement, unfair competition, and unfair and deceptive acts and practices and unfair methods of competition with Pandora are willful;

(i) An accounting of and award to Pandora of such damages, profits, royalties, attorneys' fees, costs, pre-judgment and post-judgment interest, and enhanced damages as may be shown by the evidence; and

(j) Awarding Pandora such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Plaintiff Pandora Jewelry, LLC demands a trial by jury of all issues triable of right to a jury and raised by the pleadings in this action.

Dated: January 21, 2010

*OF COUNSEL*

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Respectfully submitted,

S/ Thomas M. Hayes, III  
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Facsimile: (318) 388-5809  
  
Attorney for Plaintiff, Pandora Jewelry, LLC

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Pandora Jewelry, LLC

(b) County of Residence of First Listed Plaintiff Maryland  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Thomas M. Hayes, III, Hayes, Harkey, Smith & Cascio  
2811 Kilpatrick Blvd., Monroe, LA 71201 (318) 387-2422

## DEFENDANTS

Neview, Inc. d/b/a Karen's Hallmark

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
35 U.S.C. Section 271 and 15 U.S.C. Section 1051

Brief description of cause:  
Patent and trademark infringement

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/21/2010

SIGNATURE OF ATTORNEY OF RECORD

*Thomas M. Hayes, III*

Thomas M. Hayes, III, No. 6685

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



(12) **United States Patent**  
**Enevoldsen**

(10) Patent No.: **US 7,007,507 B2**  
(45) Date of Patent: **Mar. 7, 2006**

(54) **NECKLACES AND BRACELETS WITH  
KEEPERS**

(75) Inventor: **Per A. Enevoldsen, Roedervore (DK)**

(73) Assignee: **Pandora Jewelry, LLC, Columbia, MD  
(US)**

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(h) by 0 days.

(21) Appl. No.: **10/623,641**

(22) Filed: **Jul. 21, 2003**

(65) **Prior Publication Data**  
US 2004/0144131 A1 Jul. 29, 2004

(51) Int. Cl.  
**A44C 5/00 (2006.01)**

(52) U.S. Cl. **63/3.1; 63/3; 63/38**

(58) Field of Classification Search **63/1.11,**  
**63/1.18, 3, 3.1, 3.2, 4, 5.1, 33, 37-41**  
See application file for complete search history.

(56) **References Cited**

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2002/0139141 A1 10/2002 Kuwayama

**OTHER PUBLICATIONS**

Affidavit of Molly Bragg of Internet Archive with Exhibits:  
Aug. 15, 2005; pp 1-4.

\* cited by examiner

Primary Examiner—Robert J. Sandy

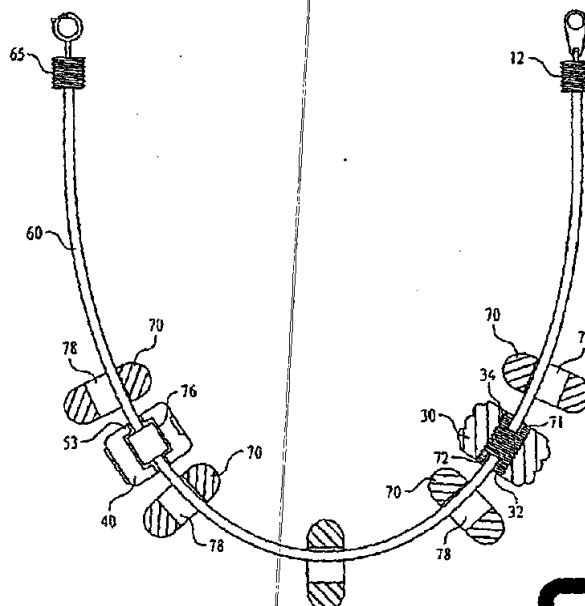
Assistant Examiner—Ruth C. Rodriguez

(74) Attorney, Agent, or Firm—Lathrop & Gage LC

(57) **ABSTRACT**

This invention is a necklace or bracelet with provisions to prevent the bunching of baubles, bangles and beads which are strung on the necklace or bracelet. Bunching is prevented by keepers which are removably attached to bands fixed at intervals on the strands of the necklaces or bracelets. Two types of keepers are disclosed, one of which has internal threads which interact with a threaded bands, and one which uses a clamshell structure to secure the keeper on a band. The keepers may have a variety of shapes for decorative effects, such as cylindrical, spherical, cubical, or pyramid-shaped.

**28 Claims, 6 Drawing Sheets**



**EXHIBIT**

tabular

U.S. Patent

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Sheet 1 of 6

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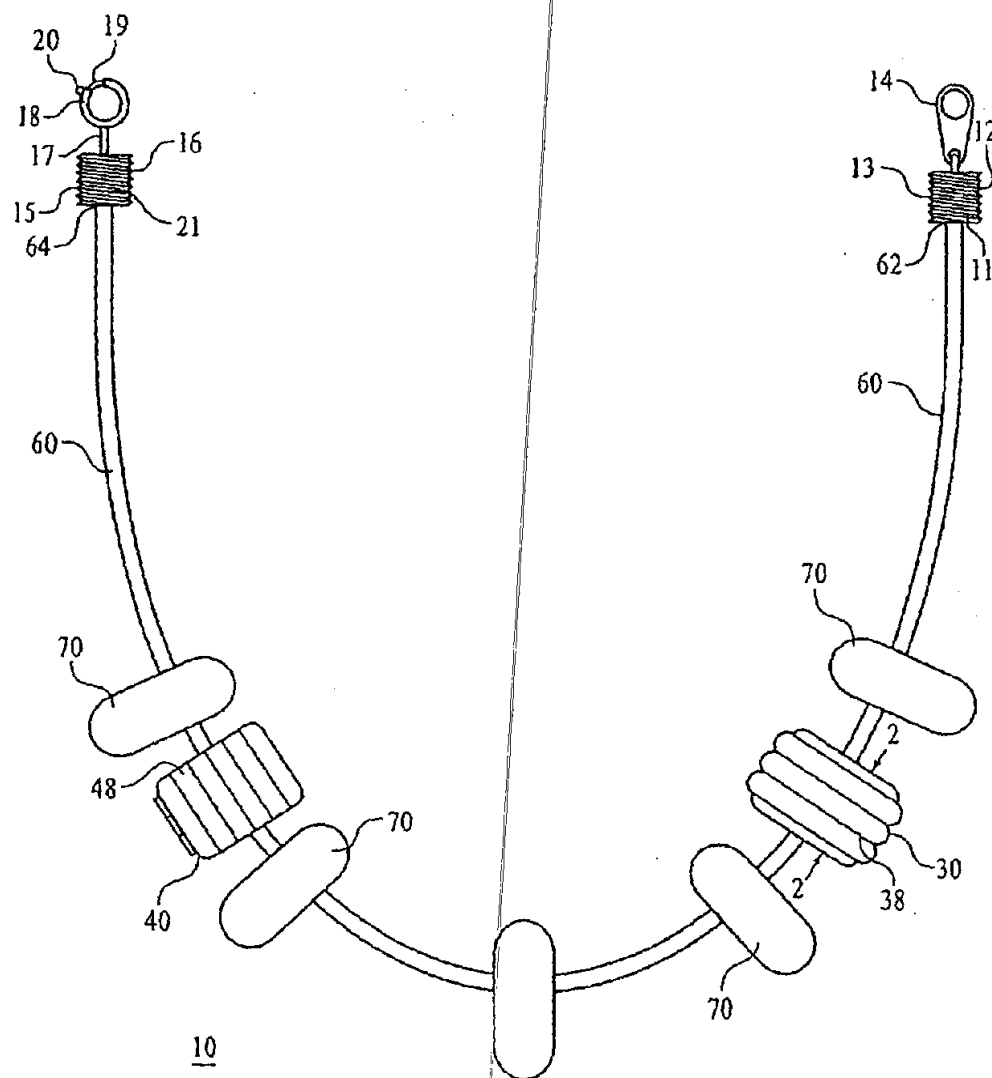


FIG. 1

U.S. Patent

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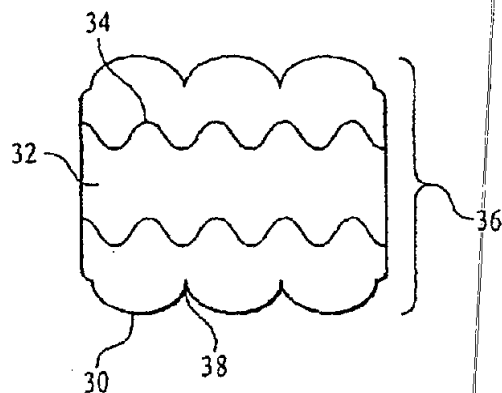


FIG. 2

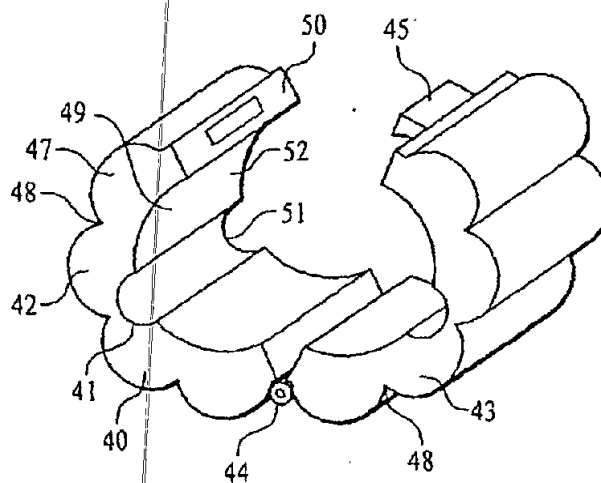


FIG. 3A

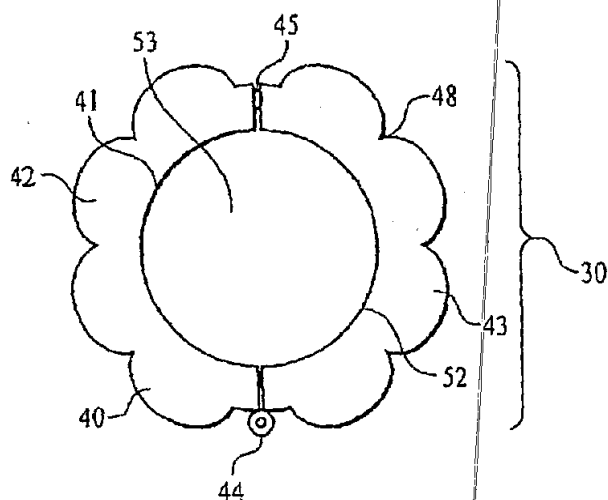


FIG. 3B

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**PANDORA JEWELRY, LLC,**

**Plaintiff,**

**vs.**

**NEVIEW, INC., d/b/a KAREN'S  
HALLMARK,**

**Defendant.**

---

**Case No.:  
District Judge:  
Magistrate Judge:**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL, INJUNCTIVE RELIEF SOUGHT**

Plaintiff, Pandora Jewelry, LLC, by and through its undersigned attorneys, sues Defendant, Neview, Inc. d/b/a Karen's Hallmark, and as its Complaint states as follows:

**Nature of Case**

1. This is an action for patent infringement under the United States Patent Act, 35 U.S.C. § 271 *et seq.*, trademark infringement and false designation of origin under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, violation of Louisiana's Unfair Trade Practices and Consumer Protection Law, LSA-R.S. 51:1401 *et seq.*, and violation of Louisiana's injury to business reputation and dilution law, LSA-R.S. 51:223.1

**Parties**

2. Plaintiff, Pandora Jewelry, LLC ("Pandora"), is a limited liability company duly organized and existing under the laws of Maryland with offices at 10015 Old Columbia Road, Suite F-100, Columbia, Maryland 21046.

3. Defendant, Neview, Inc., is a corporation duly organized and existing under the laws of Louisiana, having its principal place of business at 113 North Service Road East, Ruston,

U.S. Patent

Mar. 7, 2006

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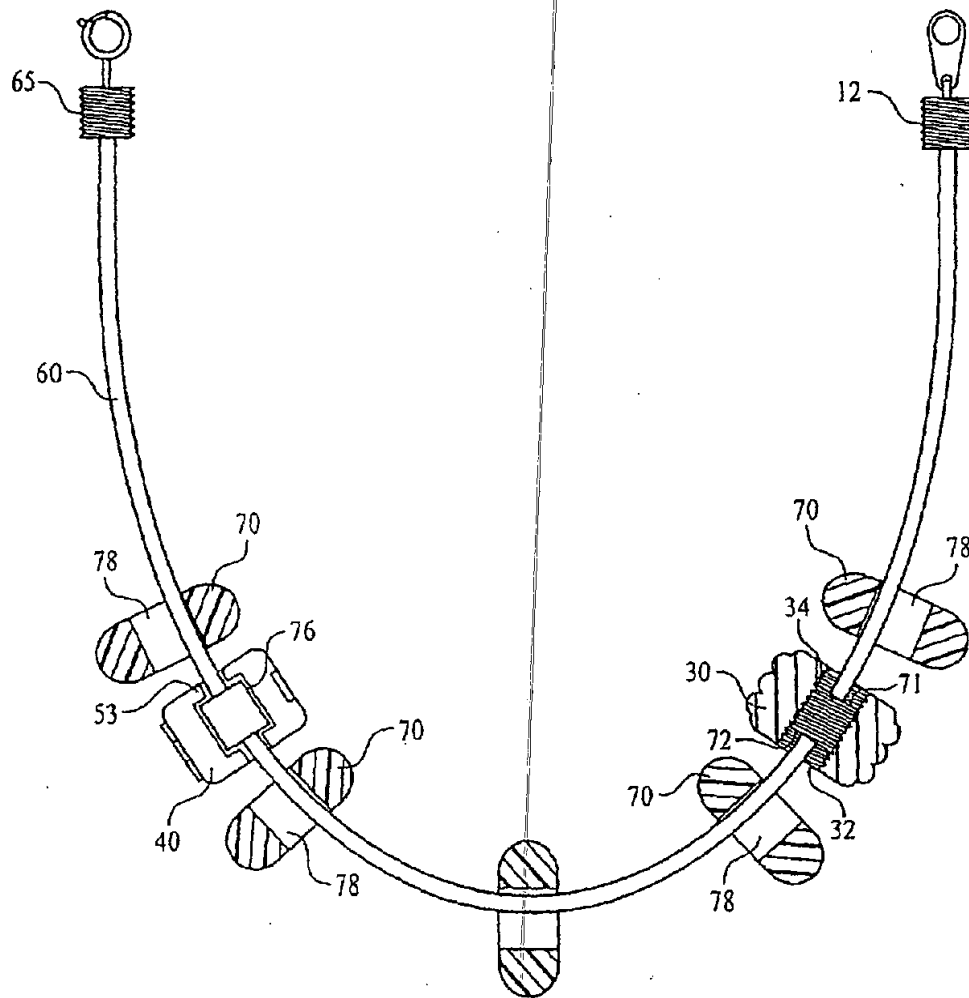


FIG. 4

U.S. Patent

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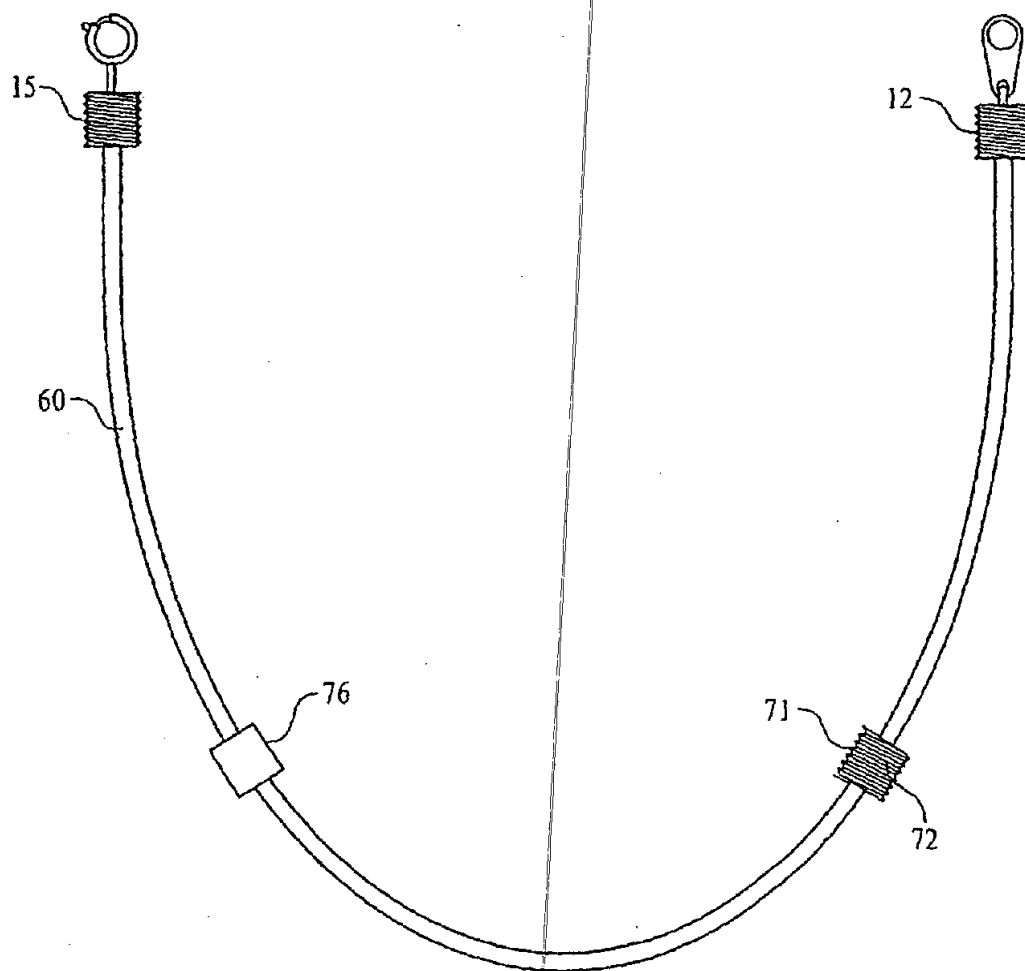


FIG. 5

U.S. Patent

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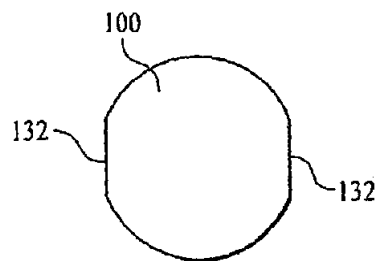


FIG. 6A

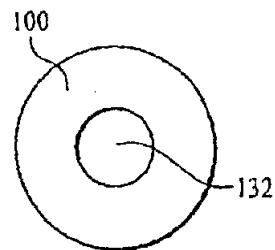


FIG. 6B

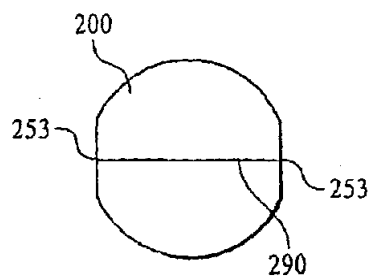


FIG. 7A

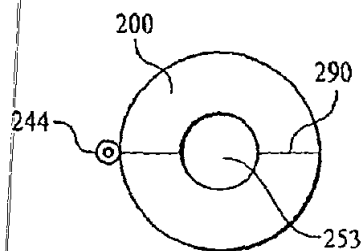


FIG. 7B

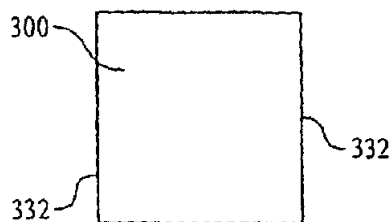


FIG. 8A

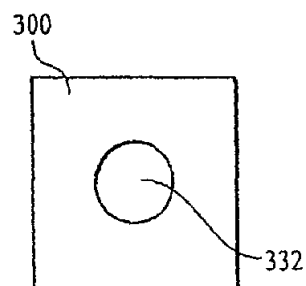


FIG. 8B

U.S. Patent

Mar. 7, 2006

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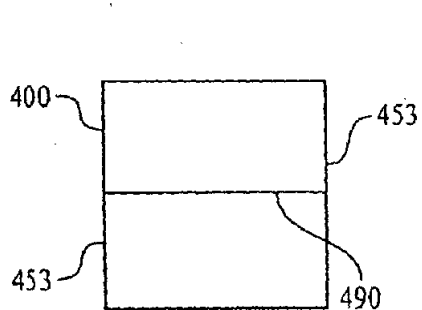


FIG. 9A

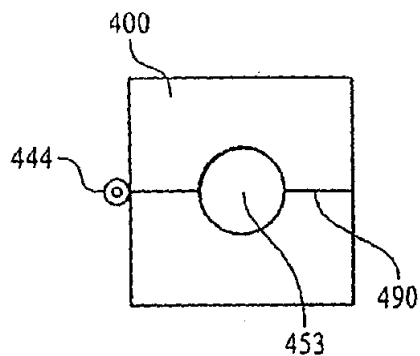


FIG. 9B

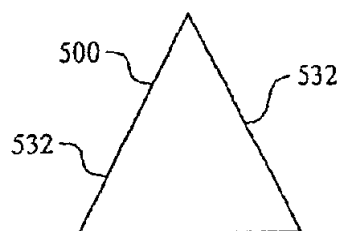


FIG. 10A

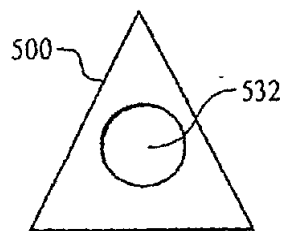


FIG. 10B

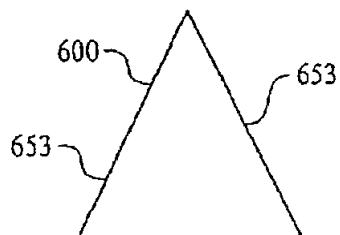


FIG. 11A

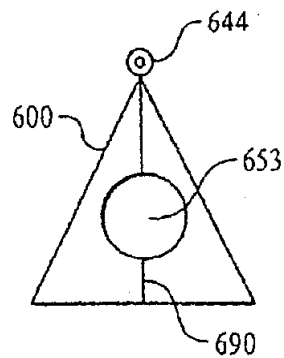


FIG. 11B



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## NECKLACES AND BRACELETS WITH KEEPERS

### CROSS-REFERENCE TO RELATED APPLICATIONS

Not Applicable.

### STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not Applicable.

### REFERENCE TO "MICROFICHE APPENDIX"

Not Applicable.

### BACKGROUND OF THE INVENTION

#### 1. Field of the Invention

This invention pertains to necklaces and bracelets with decorative baubles, bangles, and beads.

#### 2. Description of Related Art Including Information Disclosed Under 37 CFR 1.97 and 37 CFR 1.98

A popular type of necklace includes a flexible strand to which a number of beads are retained by being strung on the strand a lumen in the bead or a loop attached to the bead. Beads often are purely decorative and come in a variety of colors and shapes and often have embedded decorative elements such as stones. In addition, beads often have symbolic meaning to the wearer and represent descendants or important events. Necklaces having a plurality of beads often suffer from "bunching", the tendency of all of the beads to collect in a single group at the bottom of the necklace rather than remain in the desirable more even distribution about the length of the necklace. The invention of this patent application prevents bunching.

U.S. Pat. No. 3,983,716 discloses a jewelry lock in which the ends of strand have attached extensions. The extensions may be secured by a jewelry lock having the external shape of a bead. It includes two hinged hemispheric cups with notches which accommodate hitches attached to the ends of a bead chain, thereby securing the ends.

U.S. Pat. No. 4,530,221 discloses a necklace attachment for shortening the length of a string of pearls. The attachment engulfs and attaches together two pearls which are in adjacent portions of a strand of pearls. Another embodiment engulfs one pearl and may be used to attach decorative elements to the strand.

U.S. Pat. No. 4,562,704 discloses a latch for a chain having a male and female element. Removable designer elements are strung over the compressed male element and are retained by the female element and uncompressed male element. There are no provisions for preventing the movement of elements on the chain.

U.S. Pat. No. 4,907,322 discloses a pearl necklace with a stainless steel wire which is secured by a retainer having a setscrew. The pearls are separated by elastic rings.

U.S. Pat. No. 5,279,132 discloses a holding device which prevents the movement of a body adornment suspended from a chain. This avoids the tendency of the clasp to walk-around or creep from the back to the front of the wearer's body. The adornment is affixed to the wearer's skin or clothing using a double-sided adhesive, spray adhesive, or brush on adhesive.

U.S. Pat. No. 6,449,810 discloses a stopper for jewelry strands. The stopper is strung on one or two strands and

secured in place by two rubber rings, one above and one below the strand or strands. The stopper is used to adjust the length of a flexible strand.

None of the discovered prior art provides the advantages of the present invention, that of decorative keepers which retain beads on a necklace in a desirable distribution and prevent bunching.

### BRIEF SUMMARY OF THE INVENTION

A necklace comprising a strand having two ends and a hook component attached to each end of the strand, the hook components capable of interaction with reversible attachment of the ends together. At least one band is fixedly attached to the strand, two or more beads, each bead having a bore of diameter greater than the diameter of the band and greater than the diameter of the hook component attached to one end of the strand, thereby allowing the stringing of the beads on the strand. Finally, there is at least one keeper having an outside diameter greater than the bore of the bead, the keeper capable of interacting with the band with reversible attachment of the band and keeper, thereby restricting the movement of the beads on the strand.

The objective of this invention is to provide a necklace with beads and keepers in which the beads do not bunch.

Another objective of this invention is to provide a necklace with beads and removable keepers so the distribution of the beads on the necklace can be modified by the necklace wearer.

Another objective of this invention is to provide a necklace with beads and keepers with a threaded keeper or a hinged keeper.

Another objective of this invention is to provide a necklace with beads and keepers with keepers in decorative shapes which add to the decorative effect of the necklace.

Another objective of this invention is to provide a necklace with beads and keepers with keepers of cylindrical, spherical, cubical or pyramid shapes.

A final objective is to provide a necklace with beads and keepers which can be manufactured inexpensively and without adverse effects on the environment.

### BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING

FIG. 1 is a plan view of the necklace of this invention. FIG. 2 is a cross-sectional view of the threaded keeper. FIG. 3A is a perspective view of the hinged keeper in the open position.

FIG. 3B is a plan view of the hinged keeper in the closed position.

FIG. 4 is a plan view of the necklace with the keepers and beads in cross section taken along the plane of the necklace.

FIG. 5 shows the necklace without beads and without keepers.

FIG. 6A is a front view of a spherical threaded keeper.

FIG. 6B is a side view of a spherical threaded keeper.

FIG. 7A is a front view of a spherical hinged keeper.

FIG. 7B is a side view of a spherical hinged keeper.

FIG. 8A is a front view of a cubical threaded keeper.

FIG. 8B is a side view of a cubical threaded keeper.

FIG. 9A is a front view of a cubical hinged keeper.

FIG. 9B is a side view of a cubical hinged keeper.

FIG. 10A is a front view of a pyramid-shaped threaded keeper.

FIG. 10B is a side view of a pyramid-shaped threaded keeper.

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FIG. 11A is a front view of a pyramid-shaped hinged keeper.

FIG. 11B is a side view of a pyramid-shaped hinged keeper.

#### DETAILED DESCRIPTION OF THE INVENTION

In this patent application body adornments such as necklaces, bracelets, anklets, waist chains are termed "necklaces". Flexible chains, wire cables, bands, filaments, cords, strings, which are a component of the necklaces are termed "strands". Baubles, bangles, pendants, trinkets, and beads which are strung on a strand are termed "beads".

FIG. 1 shows a necklace 10 of this invention. The ends of the strand 60 may be connected by the interaction of a loop connector 12 with a hook connector 15. The loop connector 12 is comprised of a cylindrical loop threaded end 13 which is fixed to a first end 62 of the strand 60. A loop connector loop 14 is connected to the loop threaded end 13. Loop connector threads 11 are cut into the surface of the loop threaded end 13. The loop connector 12 outer diameter 22 is small enough to allow passage of the threaded connector 30 bore (not visible in FIG. 1) and bead 70 bore (not visible in FIG. 1) over the loop connector 12, thereby allowing stringing of the threaded keeper 30 and bead 70 over the strand 60. The hook connector 15 is comprised of a hook threaded end 16 which is fixed to a second end 64 of the strand 60. A hook connector ring 17 is attached to the hook threaded end 16. A hook connector hook 18 is connected to the hook connector ring 17. Visible on the hook connector hook 18 is the movable hook connector latch 19 and the hook connector latch handle 20. Any suitable connectors which enable the connection of the first and second ends of the strand may be used provided that at least one connector has a diameter small enough to allow the passage over that connector of beads 70 and threaded keepers 30.

Beads 70 having a cylindrical bore (not visible in FIG. 1) are strung on the strand 60 and are free to slide back and forth on the strand. The movement of beads 70 is restrained by a threaded keeper 30 and a hinged keeper 40. The keepers are removably fixed on bands (not visible in FIG. 1) which are fixedly attached to the strand 60.

The function of the threaded keeper 30 and hinged keeper 40 is to restrain the free movement of the beads 70 on the strand 60, thereby preventing bunching and keeping the beads in a desirable distribution on the necklace.

The threaded keeper 30 has a distinctive ornamental pattern 38 on the outer surface. The hinged keeper 40 has a distinctive ornamental pattern 48 on the outer surface which is easily distinguished from the ornamental pattern 38 of the threaded keeper 30. The distinct ornamental patterns allow the necklace wearer to easily distinguish between the threaded and hinged keepers when the necklace is being assembled or in use.

The beads 70 have a cylindrical bore (not visible in FIG. 1) which is large enough to pass over the loop connector 12. Any desirable number and type of beads may be used. Any desirable number of bands can be fixed on the strand and any desired number of threaded keepers and or hinged keepers may be used with the necklace.

FIG. 2 is a cross sectional view of the threaded keeper 30 taken along line 2—2 in FIG. 1. Visible in FIG. 2 is the threaded keeper bore 32 which is of adequate size to pass over a threaded band (not visible in FIG. 2) and over at least one of the connectors, (12 and 15 in FIG. 1). The interior of the bore 32 is threaded 34 with a thread capable of interac-

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tion with and passage over the threaded keeper (not visible in FIG. 2) and the threaded portion of at least one of the connectors by rotation. Alternatively, the threaded keeper is mounted on and retained by the threaded band or threaded portion of at least one of the connectors when it is not rotated. The threaded keeper decoration 38 in the example in FIG. 2 is grooves which encompass the circumference of the cylindrical threaded connector 30. The outer dimension, in this example, the diameter of the threaded keeper 36, is larger than the bore of the beads (not shown in FIG. 2). Fixation of the threaded keeper 30 on a threaded band therefore restricts the movement of the beads on the strand and prevents bunching of the beads on the strand.

Although the threaded keeper 30 shown in FIGS. 1 and 2 is cylindrical, threaded keepers may be spherical, or have the shape of any geometric solid having three dimensions, providing the threaded bore and outer dimension has the characteristics described above.

FIG. 3A is a perspective view of the hinged keeper 40 in the open position. The hinged keeper 40 is comprised of a left shell 42 and a right shell 43 which are linked together by a hinge 44. The left shell 42 is comprised of a front wall 47 having a hemispheric front wall notch 41, a back wall 52 having a hemispheric back wall notch 51, a web 49 connecting the front wall 47 and back wall 52, and a top wall 50 which covers the U-shaped structure formed by the ends of the front wall 47, web 49 and back wall 52. The hemispheric front and back wall notches 41 and 51, respectively, have a diameter slightly larger than one half the diameter of the strand. The right shell 43 is a mirror image of left shell 42 except that the right shell has a friction latch 45 connected to the right shell top wall. The friction latch 45 interacts with the left shell top wall 50 when the hinged keeper 40 is in the closed position and reversibly retains the hinged keeper 40 in the closed position. The hinged keeper decoration element 48 on the outer surface of the hinged keeper is shown in FIG. 3A.

FIG. 3B is a plan view of the hinged keeper 40 in the closed position. Visible in FIG. 3B is the left shell 42, hinge 44, right shell 43, and hinged keeper decoration element 48. The hinged keeper 40 is retained in the closed position by the friction latch 45. The user can open the closed hinged keeper by inserting two fingernails into the junction between the left shell and right shell at the friction latch. When the hinged keeper is in the closed position, the left shell hemispheric front wall notch 41 and the right shell hemispheric front wall notch 52 together form a hinged keeper bore 53 having a diameter which is slightly larger than the diameter of the strand but smaller than the diameter of a band (not shown in FIG. 3B). The outer dimension of the hinged keeper, in this example, the diameter of the hinged keeper when closed 46, is larger than the bore of the beads (not shown in FIG. 2). Closure of the hinged keeper 40 on a band, threaded or unthreaded, which is attached to a strand, therefore restricts the movement of beads on the strand and prevents bunching of the beads.

Although the hinged keeper 40 shown in FIGS. 1, 3A and 3B is cylindrical, hinged keepers may be spherical, or have the shape of any geometric solid having three dimensions, providing bore and outer dimension have the characteristics described above.

FIG. 4 is a plan view of the necklace with the keepers and beads in cross section taken along the plane of the necklace. Visible in FIG. 4 are the strand 60, loop connector 12, and hook connector 15. A threaded band 71 having threads 72 on the outer surface is shown fixed to the strand 60. The diameter and thread dimensions of the threaded band 70 are

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suitable for the threaded fixation of the threaded keeper 30 by its threads 34. The bore 32 of the threaded keeper 30 is large enough to enable the threaded keeper to be moved over the threaded band 71 by rotation of the threaded keeper 30. The bore 32 of the threaded keeper 30 is large enough to allow passage of the threaded keeper 30 over an unthreaded band 76. A hinged keeper 40 is shown in FIG. 4 in the closed position closed over an unthreaded keeper 76. The bore 53 of the hinged keeper 40 is small enough to prevent movement of the hinged keeper 40 when the hinged keeper 40 is closed over an unthreaded band 76. Also shown in FIG. 4 are beads 70 which are strung on the strand 60. The bores 78 of the beads 70 are large enough to allow movement of the beads 70 over at least one of the connectors 12 and 15, over the threaded bands 71, and over the unthreaded bands 76. The bores 78 of the beads 70 are not large enough to allow passage over the threaded keepers 30 and hinged keepers 40 when they are attached to the threaded bands 71 and unthreaded bands 76, respectively.

FIG. 5 shows the necklace without beads and without keepers. Visible in FIG. 5 are the strand 60, loop connector 12, and hook connector 15. A threaded band 71 having threads 72 on the outer surface is shown fixed to the strand 60. The diameter and thread dimensions of the threaded band 70 are suitable for the threaded fixation of the threaded keeper 30 by its threads 34. The bore 32 of the threaded keeper is large enough to pass over the threaded keeper if the threaded keeper is manually rotated against the threaded band. A threaded keeper may be moved over a threaded band by rotating the threaded keeper against a threaded band thereby engaging the band and keeper threads and then disengaging the band and keeper threads. An unthreaded band 76 is shown fixed to the strand. The bore 53 of the hinged keeper is smaller than the diameter of the band. A hinged keeper 40 may be removably fixed to either an unthreaded or threaded band. A band, threaded or unthreaded, is fixed to the strand preferably by compression on the strand, by interaction with the links of a chain, or by adhesive, or any other suitable means of fixation of a band on a strand.

The diameter the threaded band is larger than the bore of the threaded and hinged keepers, thus preventing the movement of a threaded keeper past a threaded band unless the threaded keeper is rotated into engagement of the band and keeper threads, and preventing the movement of a closed hinged keeper past a threaded band. The diameter of an unthreaded band is large enough to prevent the movement of a closed hinged keeper past an unthreaded band but small enough to allow the movement of a threaded keeper past the unthreaded band.

FIG. 6A is a front view of a spherical threaded keeper 100. The threaded keeper bore 132 is oriented at either end of the front view of the spherical threaded keeper 100.

FIG. 6B is a side view of a spherical threaded keeper 100. The bore 132 is visible in the side of the spherical threaded keeper 100.

FIG. 7A is a front view of a spherical hinged keeper 200. The hinged keeper bore 253 is oriented at either end of the front view of the spherical threaded keeper 200. The intersection 290 between the upper and lower shells is shown in FIG. 7A.

FIG. 7B is a side view of a spherical hinged keeper 200. The bore 253 is visible between the upper and lower shells and the intersection 290 between the upper and lower shells and the hinge 644 connecting the upper and lower shells are shown in FIG. 7B.

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FIG. 8A is a front view of a cubical threaded keeper 300. The threaded keeper bore 332 is oriented at either end of the front view of the spherical threaded keeper 300.

FIG. 8B is a side view of a cubical threaded keeper 300. The bore 332 is visible in the side of the cubical threaded keeper 300.

FIG. 9A is a front view of a cubical hinged keeper 400. The hinged keeper bore 453 is oriented at either end of the front view of the spherical threaded keeper 400. The intersection 490 between the upper and lower shells is shown in FIG. 9A.

FIG. 9B is a side view of a cubical hinged keeper 400. The bore 453 is visible between the upper and lower shells and the intersection 490 between the upper and lower shells and the hinge 444 connecting the upper and lower shells are shown in FIG. 9B.

FIG. 10A is a front view of a pyramid-shaped threaded keeper 500. The threaded keeper bore 532 is oriented at either end of the front view of the pyramid-shaped threaded keeper 500.

FIG. 10B is a side view of a pyramid-shaped threaded keeper 500. The bore 532 is visible in the side of the pyramid-shaped threaded keeper 500.

FIG. 11A is a front view of a pyramid-shaped hinged keeper 600. The hinged keeper bore 653 is oriented at either end of the front view of the pyramid-shaped threaded keeper 600.

FIG. 11B is a side view of a pyramid-shaped hinged keeper 600. The bore 653 is visible between the upper and lower shells and the intersection 690 between the upper and lower shells and the hinge 644 connecting the upper and lower shells are shown in FIG. 7B.

In use, the wearer strings beads and one or more threaded keepers on a strand having one or more threaded bands. The order of the beads and keepers is chosen in order to provide the desired distribution of beads on the necklace. The use of a hinged keeper provides additional flexibility for the wearer, as the hinged connector can be attached after the beads and the threaded keeper have been strung. The arrangement of beads and keepers may be altered by simply restringing the components on the strand.

Any suitable strong, flexible material may be used for the strand, or rigid material may be used in the form of a chain. A preferred material of construction is silver. Other suitable materials include bronze, steel, copper, plastic, and silk. Any suitable strong, hard material may be used for construction of the bands. A preferred material of construction is silver. Other suitable materials include stainless steel, copper, and plastic. Any suitable strong, hard material may be used for the keepers. A preferred material of construction is silver. Other suitable materials include bronze, steel, copper, and plastic.

It will be apparent to those skilled in the art that the examples and embodiments described herein are by way of illustration and not of limitation, and that other examples may be used without departing from the spirit and scope of the present invention, as set forth in the appended claims.

I claim:

1. A strand jewelry device comprising:

- a strand having a first end and a second end,
- a connector assembly for reversibly coupling the first end and the second end of the strand,
- at least one band fixedly attached to the strand, the band presenting an outer circumference,
- at least one ornament,
- the ornament having a through opening of greater circumference than the outer circumference of the band,

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the greater circumference being sufficiently large to permit complete passage of the ornament over the band, and

at least one keeper configured for reversible attachment over the band,

the keeper being sufficiently large to prevent further passage of the ornament across the band when the keeper is attached to the band,

wherein the keeper interacts with the band by abutment to restrict the movement of the ornament when the ornament resides on the strand.

2. The strand jewelry device of claim 1, wherein a bore of the keeper is threaded and the band is threaded on an external surface, the threaded bore of the keeper and the threaded surface of the band capable of interaction to reversibly fix the threaded keeper on the strand.

3. The strand jewelry device of claim 2 wherein the threaded keeper has any three-dimension geometric shape.

4. The strand jewelry device of claim 2 wherein the threaded keeper has a cylindrical, spherical, cubic, or pyramid shape.

5. The strand jewelry device of claim 1, wherein the keeper comprises two hollow sections hinged together, each section having two walls, each wall having a notch, each notch of depth approximating one half the diameter of the strand, the sections and the band capable of interaction by the hinged keeper engulfing the band to reversibly fix the hinged keeper on the strand.

6. The strand jewelry device of claim 5 wherein the sections are reversibly secured in a closed position by a latch attached to one section.

7. The strand jewelry device of claim 5 wherein the hinged keeper has any three-dimension geometric shape.

8. The strand jewelry device of claim 5 wherein the hinged keeper has a cylindrical, spherical, cubic or pyramid shape.

9. The strand jewelry device of claim 1 further comprising at least one threaded keeper and at least one hinged keeper.

10. The strand jewelry device of claim 9 wherein the threaded keeper and the hinged keeper further comprise decorative elements.

11. The strand jewelry device of claim 10 wherein the decorative element of the threaded keeper differs from the decorative element of the hinged keeper.

12. The strand jewelry device of claim 1, further comprising at least one ornament bore having a hole of sufficient size to pass over an element of the connector mechanism to permit residence of the bead on the strand, the size of the hole being insufficient to permit passage of the ornament over the keeper.

13. A process of reversibly restricting the movement of ornaments on a strand, wherein the strand has a connector assembly for detachably coupling the first end with the second end of the strand to configure the strand as a loop, the ornaments have bores and are strung on the strand by their bores, and a band having an external diameter less than the diameter of the ornament bores is fixed on the strand, comprising the steps of a stringing at least one ornament onto the strand; and, b

a. attaching to the band a keeper having an external diameter greater than the diameter of the ornament bore.

14. The process of claim 13 wherein the band has an external thread and the keeper has a threaded bore, the keeper attached to the band by the steps comprising:

a. threading the keeper onto the strand,  
b. bringing the keeper and the band into contact, and

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c. rotating the keeper to engage the band and the keeper threads and attach the keeper to the band.

15. The process of claim 13 wherein the keeper has two hollow sections hinged together comprising the steps:

a. positioning the hinged keeper over the band, and  
b. closing the hinged keeper over the band to attach the keeper to the band.

16. A strand jewelry device that is selectively configurable by a wearer for positional ornament retention, comprising:  
a strand having

a first end,  
a second end, and

at least one band of variant cross-section with respect to adjacent portions of the strand that are immediately adjacent to the band;

a connector assembly for detachably coupling the first end with the second end of the strand to configure the strand as a loop;

at least one keeper configured and arranged for selective placement around the band,

the keeper having a bore of complementary dimensions with respect to the variant cross-section such that the keeper is retained in position at the band by abutment when installed on the band,

at least one ornament,

the band fixedly circumscribing the strand to provide the variant cross-section as a larger circumference with respect to the strand, the ornament defining a hole of sufficient dimension to pass over the larger circumference,

the keeper having sufficient outer dimensions to prevent the ornament from moving across the keeper by abutment between the keeper and the band when the keeper the ornament are installed on the strand.

17. The strand jewelry device of claim 16, wherein the outer circumference of the band includes the band having a threaded outer surface.

18. The strand jewelry device of claim 17, wherein the bore of the keeper is internally threaded and the complementary dimensions of the bore are taken with respect to abutment between the threaded outer surface and internal threads of the bore.

19. The strand jewelry device of claim 16, wherein the band has a smooth outer surface.

20. The strand jewelry device of claim 16, wherein the keeper has a bivalve construction for clamping around the band.

21. The strand jewelry device of claim 16, wherein the bivalve construction comprises

a hinge pivotally connecting

a first bivalve element with

a second bivalve element, and

a latch positioned for connecting the first bivalve element with the second bivalve element in a closed configuration that defines the bore.

22. The strand jewelry device of claim 16, wherein the bore comprises longitudinal notches running parallel with the strand.

23. The strand jewelry device of claim 16, wherein the strand presents a diameter and the longitudinal notches have a hemispherical construction approximating one half the diameter of the strand.

24. The strand jewelry device of claim 16, comprising a plurality of the keepers, the plurality of the keepers including at least one threaded keeper and at least one hinged keeper.

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25. The strand jewelry device of claim 24, wherein the threaded keeper and the hinged keeper each present a decorative motif.

26. The strand jewelry device of claim 25, wherein the wherein the decorative element of the threaded keeper 5 differs from the decorative element of the hinged keeper.

27. A strand jewelry device comprising:  
a strand; presenting an elongate axis; an ornament adapted to receive the strand for passage of the strand through the ornament such that the ornament may pass over the elongate means for selectively configuring the strand as a loop; 10

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means for adapting a circumference of the strand to permanently increase the circumference at a locus that permits passage of an ornament over the locus; and

means for keeping ornament on a predetermined area of the strand by abutment with the means for adapting to prevent passage of the ornament over the locus.

28. The strand jewelry device of claim 27, further comprising a plurality of decorative ornaments positioned on the strand by the means for keeping.

\* \* \* \* \*

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 7,007,507 B2  
DATED : March 7, 2006  
INVENTOR(S) : Per Algot Enevoldsen

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 7,

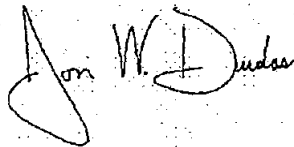
Lines 58-62, replace "steps of a stringing at least one ornament onto the strand; and, b a. attaching to the band a keeper having an external diameter greater than the diameter of the ornament bore." with  
-- steps of:  
a. stringing at least one ornament onto the strand; and,  
b. attaching to the band a keeper having an external diameter greater than the diameter of the ornament bore. --.

Column 9,

Line 8, delete ":", after "strand".  
Line 11, insert -- axis; -- after "elongate".  
Line 11, insert a paragraph return after "elongate axis;".

Signed and Sealed this

Thirtieth Day of May, 2006



JON W. DUDAS

Director of the United States Patent and Trademark Office

EXHIBIT

2

Louisiana 71270. On information and belief, Neview, Inc. actively conducts business in interstate commerce and in this judicial district as "Karen's Hallmark." Neview, Inc. is referred hereinafter as "Karen's Hallmark" or "Defendant."

#### **Venue**

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) because Defendant has subjected itself to personal jurisdiction in this judicial district (see 28 U.S.C. § 1391(c)), and pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims asserted in this Complaint occurred in this judicial district.

#### **Subject Matter Jurisdiction**

5. This is an action seeking preliminary and permanent injunctive relief and damages for: (1) patent infringement in violation of 35 U.S.C. § 271; (2) trademark infringement in violation of 15 U.S.C. § 1114; (3) false designation of origin in violation of 15 U.S.C. § 1125(a); (4) unfair trade practices in violation of LSA-R.S. 51:1405; and (5) injury to business reputation and dilution in violation of LSA-R.S. 51:223.1.

6. The claim of patent infringement asserted in Count I of this Complaint is based upon a federal question relating to patents. This Court has exclusive jurisdiction over this claim pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. The claims of infringement, false designation of origin, and unfair competition asserted in Counts II and III of this Complaint are substantial and related claims based upon a federal question relating to trademarks. This Court has exclusive jurisdiction over these claims pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a) and (b).

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 3,065,374

Registered Mar. 7, 2006

TRADEMARK  
PRINCIPAL REGISTER

**PANDORA**  
*Jewelry*

PANDORA JEWELRY, LLC (MARYLAND LTD  
LIAB CO)  
10015 OLD COLUMBIA ROAD, SUITE F-100  
COLUMBIA, MD 21046

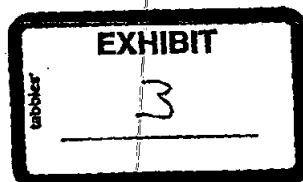
NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "JEWELRY", APART FROM THE  
MARK AS SHOWN.

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28  
AND 50).

SER. NO. 78-487,161, FILED 9-21-2004.

FIRST USE 5-0-2004; IN COMMERCE 5-0-2004.

DANIEL BRODY, EXAMINING ATTORNEY





Int. Cls.: 14 and 16

Prior U.S. Cls.: 2, 5, 22, 23, 27, 28, 29, 37, 38, and 50

**United States Patent and Trademark Office**

Reg. No. 3,613,181

Registered Apr. 28, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**PANDORA**

PANDORA JEWELRY, LLC (MARYLAND LIMITED LIABILITY COMPANY)  
SUITE C  
8681 ROBERT FULTON DRIVE  
COLUMBIA, MD 21046

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 5-0-2008; IN COMMERCE 6-0-2008.

FOR: PAMPHLETS, BROCHURES, CATALOGS IN THE FIELD OF JEWELRY; PAPERBOARDS; NON-TEXTILE PAPER LABELS; PAPER AND PLASTIC PACKAGING BAGS; ADVERTISEMENT POSTER

BOARDS OF PAPER AND CARDBOARD, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-0-2008; IN COMMERCE 6-0-2008.

OWNER OF U.S. REG. NO. 3,065,374.

THE MARK CONSISTS OF A STYLIZED ICON USED IN THE PLACE OF THE LETTER "O" WITHIN THE WORD "PANDORA".

SN 77-251,517, FILED 8-9-2007.

LINDA E. BLOHM, EXAMINING ATTORNEY

**EXHIBIT**

**4**

8. The state law claims of violation of Louisiana's Unfair Trade Practices and Consumer Protection Law, LSA-R.S. 51:1401 *et seq.*, and injury to business reputation and anti-dilution law, LSA-R.S. 51:223.1, asserted in Counts IV and V of this Complaint are so related to the claims asserted in Counts I, II, and III of this Complaint that they form part of the same case or controversy under Article III of the United States Constitution. This Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. § 1367(a).

### **Common Facts**

9. Pandora is a leading designer and retailer of fine jewelry in the United States with its headquarters in Maryland. Specifically, Pandora is engaged in the business of creating, manufacturing, marketing, distributing, and selling custom designed bracelets and necklaces featuring sterling silver and 14-karat gold jewelry beads, including precious and semi-precious stones.

10. On July 21, 2003, a patent application was filed with the United States Patent and Trademark Office ("USPTO") to protect Mr. Per Algot Enevoldsen's invention entitled "NECKLACES AND BRACELETS WITH KEEPERS." The patent application was assigned Patent Application Serial No. 10/623,641 (the "'641 application"). The ownership rights to the invention disclosed and claimed in the '641 application were assigned to Pandora. The assignment was recorded with the USPTO on July 19, 2004, under Reel 014864, Frame 0396.

11. The '641 application was published by the USPTO on July 29, 2004, as Publication No. US 2004/0144131-A1.

12. On March 7, 2006, United States Patent No. 7,007,507 entitled "NECKLACES AND BRACELETS WITH KEEPERS" (the "'507 patent") was duly, validly, and legally issued pursuant to the '641 application to Pandora Jewelry, LLC, which remains the owner thereof. A

true and correct copy of the '507 patent is attached hereto as Exhibit 1. A Certificate of Correction to the '507 patent is attached hereto as Exhibit 2.

13. Pandora is also the owner of the trademark PANDORA, which is used for jewelry and related goods.

14. Pandora's PANDORA mark is registered with the USPTO. True and correct copies of Pandora's Registration Nos. 3,065,374 and 3,613,181 are attached hereto and incorporated herein as Exhibits 3 and 4.

15. Pandora has also used the PANDORA mark by, among other things, prominently displaying the mark on its jewelry and labels and tags attached to such jewelry, advertising materials for its jewelry, and in other diverse ways.

16. Plaintiff's PANDORA jewelry has been marketed, distributed, and sold throughout the United States.

17. As a result of such efforts, the PANDORA mark has come to enjoy widespread and favorable recognition among the relevant trade and consumers as designating origin in Pandora, and represents a business reputation and goodwill of significant value to Pandora.

18. By virtue of rights achieved through substantial sales and promotion of PANDORA goods, substantial use of the PANDORA mark, and the federal registrations of the PANDORA mark, Pandora has the exclusive right to use the PANDORA mark for jewelry in the United States.

19. All conditions precedent to the institution and maintenance of this action have occurred or been performed by Pandora.

20. Pandora has engaged attorneys to represent it and has obligated itself to pay its attorneys a reasonable fee for their services in this action.

**Claim I**

**[Patent Infringement Pursuant to  
35 U.S.C. § 271 Seeking Injunctive and Monetary Relief]**

21. Plaintiff realleges paragraphs 1 through 20 of this Complaint as if fully restated herein.

22. This is an action for an injunction arising under 35 U.S.C. §§ 271 and 283, and for damages arising under 35 U.S.C. §§ 271 and 284.

23. Defendant is infringing claim 1 and one or more of claims 2 through 28 of the '507 patent in violation of 35 U.S.C. § 271(a) by making, importing, using, offering to sell, and/or selling in the United States and in this judicial district the patented invention claimed in the '507 patent. On information and belief, Defendant is also inducing infringement of the '507 patent under 35 U.S.C. § 271(b) and is a contributory infringer under 35 U.S.C. § 271(c).

24. Defendant's infringement of the '507 patent has been and continues to be willful and deliberate.

25. Defendant's infringement of the '507 patent has caused great damage to Pandora. The amount of these damages is not yet known, but Pandora has lost profits and royalties as a direct result of the infringement and is entitled to damages adequate to compensate it for the infringement in an amount that is in no event less than a reasonable royalty under 35 U.S.C. § 284. Pandora is also entitled to recover prejudgment interest, costs, and up to treble damages under 35 U.S.C. § 284. Further, this is an exceptional case under 35 U.S.C. § 285, and Pandora should be awarded its attorneys' fees.

26. As a result of Defendant's infringement of the '507 patent, Pandora has suffered and continues to suffer irreparable harm and impairment of the value of its patent rights, is threatened with continuing loss of sales to its existing and potential customers, is losing and will

continue to lose the goodwill of its customers, and is suffering the violation of its patent rights, all of which will continue unless Defendant is preliminarily and permanently enjoined by this Court from infringing the '507 patent under 35 U.S.C. § 283. Pandora has no adequate remedy at law.

## **Claim II**

### **[Trademark Infringement Pursuant to 15 U.S.C. § 1114 Seeking Injunctive and Monetary Relief]**

27. Plaintiff realleges paragraphs 1 through 26 of this Complaint as if fully restated herein.

28. This is an action for an injunction arising under 15 U.S.C. §§ 1114 and 1116, and for damages arising under 15 U.S.C. §§ 1114 and 1117.

29. On information and belief, subsequent to the adoption and first use of the PANDORA mark by Plaintiff and subsequent to the registration of the PANDORA mark with the United States Patent and Trademark Office, Defendant began using the trademark PANDORA in connection with jewelry.

30. On information and belief, Defendant has infringed Pandora's PANDORA mark by various acts, including, but not limited to, offering and selling jewelry under the PANDORA mark in its retail establishment known as "Karen's Hallmark."

31. Defendant's PANDORA mark is a colorable imitation and counterfeit of Pandora's PANDORA mark, and the use of this mark was neither authorized nor consented to by Pandora.

32. Defendant's use of this colorable imitation and counterfeit of Pandora's PANDORA mark has been, and currently is, willful and deliberate for the purpose of giving

Defendant's goods consumer appeal and salability by usurping Pandora's reputation and good will, which Defendant's goods otherwise would not have.

33. By virtue of the foregoing, Defendant is infringing upon Pandora's trademark rights. Defendant's use in connection with its business of the PANDORA mark is likely to cause confusion, mistake, or deception among the trade and the public as to the source of origin of Defendant's goods and lead the trade and the public to believe that the goods sold by Defendant originate with Pandora or with a concern legitimately connected with Pandora.

34. Pandora has demanded that Defendant cease and desist from its wrongful use of the PANDORA mark in connection with its business. Despite Pandora's demands, Defendant has intentionally, actively, and deliberately refused to comply, has not ceased and desisted from its wrongful use of the PANDORA mark, and has intentionally and deliberately persisted in its infringement of Pandora's trademark rights.

35. Defendant's infringement of Pandora's trademark rights has caused great damage to Pandora. The amount of these damages is not yet known, but Pandora has lost profits and royalties as a direct result of the infringement and is entitled to damages adequate to compensate it for the infringement, and to have such damages trebled, under 15 U.S.C. § 1117(a) and (b), or, alternatively, statutory damages up to \$2,000,000 per type of goods or services sold, offered for sale, or distributed, as the Court considers just, under 15 U.S.C. § 1117(c). Pandora is also entitled to recover costs under 15 U.S.C. § 1117(a) and prejudgment interest under 15 U.S.C. § 1117(b). This is an exceptional case, and Pandora should further be awarded its attorneys' fees under 15 U.S.C. § 1117(a). In addition, this is a case involving counterfeiting and Pandora is entitled to recover attorneys' fees under 15 U.S.C. § 1117(b).

36. As a result of Defendant's infringement of Pandora's trademark rights, Pandora has suffered and continues to suffer irreparable harm due to the confusion, mistake, and/or deception that will be generated among the trade and the public and the resulting impairment of the value of its trademark rights, continuing loss of sales to its existing and potential customers, continuing loss of the goodwill of its customers, and violation of its trademark rights, all of which will continue unless Defendant is preliminarily and permanently enjoined by this Court from infringing the PANDORA mark under 15 U.S.C. § 1116. Pandora has no adequate remedy at law.

### **COUNT III**

#### **[False Designation of Origin Pursuant to 15 U.S.C. § 1125(a) Seeking Injunctive and Monetary Relief]**

37. Pandora realleges paragraphs 1 through 36 of this Complaint as if fully restated herein.

38. This is an action for an injunction arising under 15 U.S.C. §§ 1125 and 1116, and for damages arising under 15 U.S.C. §§ 1125 and 1117.

39. Defendant is competing unfairly with Pandora by falsely designating Defendant's goods as originating with Pandora or with a concern legitimately affiliated, connected, or associated with Pandora in violation of 15 U.S.C. § 1125(a).

40. Pandora has demanded that Defendant cease and desist from its wrongful actions. Despite Pandora's demands, Defendant has intentionally, actively, and deliberately refused to comply, has not ceased and desisted from its wrongful actions, and has intentionally and deliberately persisted in its unfair competition with Pandora.

41. Defendant's unfair competition with Pandora has caused great damage to Pandora. The amount of these damages is not yet known, but Pandora has lost profits and